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Summary record of the 54th meeting
Held at Headquarters, New York, on Friday, 21 November 2003, at 10 a.m.

Chairman: Mr. Belinga-Eboutou ..... (Cameroon)
later: Mr. Priputen (Vice-Chairman) ..... (Slovakia)
later: Mr. Belinga-Eboutou (Chairman) ..... (Cameroon)

Contents

Agenda item 117: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Other matters

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The meeting was called to order at 10.25 a.m.

Agenda item 117: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/58/L.44)

Draft resolution A/C.3/58/L.44: International Covenants on Human Rights

1. **The Chairman** invited the Committee to take action on draft resolution A/C.3/58/L.44 and said that Australia, Azerbaijan, Bolivia, Brazil, Cyprus, Dominican Republic, Ecuador, Estonia, Greece, Lesotho, Lithuania, Malta, Nicaragua, Panama, Peru, Serbia and Montenegro, South Africa, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom and Venezuela had joined the sponsors.

2. **Mr. De Barros** (Secretary of the Committee) read out a statement by the Director of the Programme Planning and Budget Division to the effect that, with reference to the request contained in paragraph 29 of the draft resolution, $47,756,300 had been appropriated under the relevant section of the programme budget for the biennium 2002-2003 and that the proposed programme budget of $53,540,400 for the biennium 2004-2005 included $1,358,700 for the Human Rights Committee and $733,300 for the Committee on Economic, Social and Cultural Rights. The Secretariat drew attention to the provision of part B, section VI, of General Assembly resolution 45/248, affirming that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

3. **Ms. Mårtensson** (Sweden), speaking on behalf of the sponsors, said that in an effort to maintain consensus the draft resolution had undergone some revisions, the texts of which were being distributed. In the third line of paragraph 3 the word "accede" had been replaced by "consider as a matter of priority acceding" and in the last line the words "to make" had been replaced by the words "and making". Paragraph 25 had been replaced by a new paragraph to read: "Notes the need to further consider the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights and for further efforts toward developing indicators and benchmarks to measure progress in the national implementation by States parties of the rights protected by the International Covenant on Economic, Social and Cultural Rights."

4. As previously noted, the International Covenants constituted the first all-embracing and legally binding international treaties in the field of human rights and formed, together with the Universal Declaration of Human Rights, the International Bill of Human Rights; they had gained wide acceptance by the international community. There were 151 parties to the Covenant on Civil and Political Rights and 148 to the Covenant on Economic, Social and Cultural Rights, which together formed the basis of much of the Committee's work and of worldwide efforts to promote and protect human rights. For as long as she could recall the resolution on the Covenants had been adopted by consensus. It was in that spirit of continuing consensus that the sponsors had very reluctantly agreed to revise the previously agreed language of paragraph 3. The sponsors appealed to all delegations to support the draft resolution and to resist further amendments.

5. **Ms. Gorove** (United States of America) said that, although her delegation supported the tenor of the draft resolution and was willing to join the consensus, it deemed it inappropriate for the General Assembly to dictate that a State must ratify or accede to a treaty. It therefore proposed replacing the word "become" in the first line of paragraph 3 with the words "consider becoming" in order to avoid inconsistency within the resolution itself and with the standard practice in myriad resolutions of other United Nations bodies. While she believed many sponsors were amenable to that change, others had rejected what was a reasonable, and legally accurate formulation that respected the sovereignty of Member States. In any event, her delegation would not block consensus on the adoption of the draft resolution as a whole, whatever the outcome of the vote on its proposed amendment.

6. **Mr. Riley** (United Kingdom) said that he supported the draft resolution, as revised by the sponsors.

7. **Ms. Dempster** (New Zealand) said that her country had been a long-standing supporter of that draft resolution. Since concessions had already been made during the consultations, it would be derelict to dilute the language with the amendment proposed by the United States, which she urged the Committee to reject.

8. **Ms. Mårtensson** (Sweden) requested a recorded vote on the amendment proposed by the United States.

9. **Mr. Konfourou** (Mali) said it was his understanding that the United States delegation would not oppose consensus on the draft resolution even if its proposed amendment was rejected.

10. **The Chairman** said that a vote was nonetheless required in order to determine the Committee's position on the proposed amendment.

11. **Mr. Moutari** (Niger) supported the view expressed by the representative of Mali and suggested that the United States might withdraw its amendment.

12. **Mr. Andrabi** (Pakistan), speaking on a point of order, said that it was unnecessary for a delegation to request a vote. Under rule 130 of the rules of procedure, any proposed amendment to a draft resolution must be voted on first.

13. *A recorded vote was taken on the amendment proposed by the United States of America.*

In favour:

Afghanistan, Brunei Darussalam, Colombia, Cuba, India, Israel, Malaysia, Oman, Pakistan, Philippines, Saudi Arabia, Singapore, United States of America.

Against:

Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Somalia, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yemen, Zambia, Zimbabwe.

Abstaining:

Albania, Antigua and Barbuda, Azerbaijan, Bangladesh, Benin, Bhutan, Burkina Faso, China, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ethiopia, Fiji, Gabon, Guinea, Guyana, Haiti, Madagascar, Nauru, Nepal, Rwanda, Togo, Tuvalu, Uganda, United Republic of Tanzania.

14. *The amendment proposed by the United States of America was rejected by 116 votes to 13, with 24 abstentions.*

15. **Ms. Ahmed** (Sudan), supported by **Ms. Al Haj Ali** (Syrian Arab Republic), said that she regretted the position her delegation had been obliged to adopt on a vote for which it had not been prepared. As a State party to both Covenants, she had voted against the proposed amendment, but without prejudice to her delegation's right to propose a similar amendment in the future concerning a treaty to which the Sudan was not a party.

16. *Draft resolution A/C.3/58/L.44, as orally revised, was adopted.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/58/L.57, L.63, L.64, L.65, L.72, L.73, L.74, L.75, L.76, L.77, L.78 and L.81)

Draft resolution A/C.3/58/L.73: Respect for the principles of national sovereignty and diversity of democratic systems in electoral processes as an important element for the promotion and protection of human rights

17. **Mr. Amorós Núñez** (Cuba) introduced draft resolution A/C.3/58/L.73 on behalf of the sponsors, which had been joined by the Democratic Republic of the Congo, Haiti, Kenya, Mauritania, Pakistan, the

Russian Federation, Rwanda, Somalia, the Sudan, the Syrian Arab Republic and the United Republic of Tanzania. He said that the idea underlying the draft resolution was that there was no single political system applicable to all electoral processes, which were determined by historical, political, cultural and religious factors, and that every nation had the right freely to determine its own political system. The draft resolution emphasized that elections were a fundamental expression of national sovereignty and that periodic, fair and free elections were an important element in the promotion and protection of human rights and recognized the contribution made by the United Nations in providing electoral assistance at the request of a State. In response to the concerns expressed by some delegations, the seventh preambular paragraph and paragraph 4 had been deleted.

Draft resolution A/C.3/58/L.74: Protection of migrants

18. **Mr. Simancas** (Mexico) introduced draft resolution A/C.3/58/L.74 on behalf of the sponsors, which had been joined by Bolivia, Brazil, Burkina Faso, Cape Verde, Chile, Cuba, Ecuador, Honduras, Mali, Morocco, Nigeria, the Sudan and Tunisia. He stressed that the draft resolution had no other purpose than to provide protection for migrants and reflected progress made in that respect at the regional and international levels. He introduced one change to the text: in paragraph 8, "discriminatory practices against" should be replaced with "practices which victimize".

19. *Mr. Priputen (Slovakia), Vice-Chairman, took the Chair.*

Draft resolution A/C.3/58/L.75: Situation of human rights in Cambodia

20. **Ms. Sakai** (Japan) introduced draft resolution A/C.3/58/L.75 on behalf of the sponsors, which had been joined by Albania, Bulgaria, Lithuania, Luxembourg, Malta, Poland, Romania, Slovenia and Switzerland. She said that, given the positive developments in the human rights situation in Cambodia and the commitment by its Government to improve it further, the draft resolution was likely to be the last submitted to the Third Committee on the subject, while the situation would continue to be monitored through the Commission on Human Rights. She stressed that the Cambodian Government was hampered in its efforts to improve the social situation in Cambodia after a long period of conflict and called on the international community to assist it by providing human, financial and technical resources.

Draft resolution A/C.3/58/L.76: Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

21. **Mr. Amorós Núñez** (Cuba) introduced draft resolution A/C.3/58/L.76 on behalf of the sponsors, which had been joined by Côte d'Ivoire, the Democratic Republic of the Congo, Gambia, Haiti, Kenya, South Africa and Swaziland. The starting point for the draft resolution was the general conviction that a life without wars was crucial to the material well-being and development of countries and that States had an obligation to preserve and promote peace. However, in order to gain the maximum support for the draft resolution, the sponsors had chosen to focus on the promotion of peace as a vital requirement for the enjoyment of human rights and to avoid dealing with questions such as disarmament that were better dealt with in other forums. He trusted that that focus would further increase the broad-based support for the draft.

Draft resolution A/C.3/58/L.77: Globalization and its impact on the full enjoyment of all human rights

22. **Ms. Khalil** (Egypt) introduced draft resolution A/C.3/58/L.77 on behalf of the sponsors, which had been joined by Burkina Faso, Côte d'Ivoire, the Democratic Republic of the Congo, Indonesia, Kenya, Mauritius, Swaziland and Zimbabwe, noting that it was essentially unchanged from the one adopted at the previous session of the General Assembly.

Draft resolution A/C.3/58/L.78: Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

23. **Ms. Olivera** (Mexico) introduced draft resolution A/C.3/58/L.78 on behalf of the sponsors, which had been joined by Afghanistan, Albania, Austria, Belgium, Benin, Bolivia, Bulgaria, Burkina Faso, Cameroon, China, the Congo, Côte d'Ivoire, Cyprus, Dominica, France, Ghana, Greece, Honduras, Hungary, Jamaica, Jordan, Lithuania, Luxembourg, Mali, Malta, Niger, Nigeria, Peru, Poland, Qatar, the Republic of Moldova, Romania, Rwanda, Sierra Leone, Slovenia, the former Yugoslav Republic of Macedonia, Trinidad and Tobago and Zimbabwe. She said that the aim of the draft resolution was to encourage the Ad Hoc Committee to

make significant progress towards giving disabled people equal opportunities to participate in all walks of life. Thus, the draft welcomed the steps already taken by the Committee to prepare and submit its work and, if adopted, would require the Committee to start the negotiations on a draft convention at its third session.

Draft resolution A/C.3/58/L.81: The situation of and assistance to Israeli children

24. **Ms. Khalil** (Egypt) introduced the draft resolution on behalf of the sponsors, which had been joined by Brunei Darussalam. Draft resolution A/C.3/58/L.81 contained amendments to draft resolution A/C.3/58/L.30/Rev.2 which was unbalanced and neither reflected nor addressed the complex situation in the Middle East in a comprehensive manner. It was meant to replace draft resolution A/C.3/58/L.59 on the same subject. She noted that, in the Arabic text of document A/C.3/58/L.81, the symbol "A/C.3/58/L.30/Rev.1" should be replaced by "A/C.3/58/L.30/Rev.2".

Draft resolution A/C.3/58/L.57: Protection of and assistance to internally displaced persons

25. **The Chairman** said that Albania, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Costa Rica, Côte d'Ivoire, Cyprus, Ecuador, El Salvador, Greece, Japan, Lithuania, Luxembourg, Mali, Malta, Micronesia (Federated States of), Niger, Panama and Thailand had become sponsors.

26. **Mr. De Barros** (Secretary of the Committee) read out a statement by the Director of the Programme Planning and Budget Division to the effect that, with reference to paragraph 18 of the draft resolution, the activities of the Representative of the Secretary-General on internally displaced persons were, by established practice, funded exclusively through extrabudgetary resources; hence, the adoption of the draft resolution by the General Assembly would not give rise to any additional requirements under the regular budget for the biennium 2004-2005.

27. **The Chairman** said he took it that the Committee wished to adopt draft resolution A/C.3/58/L.57 without a vote.

28. *It was so decided.*

Draft resolution A/C.3/58/L.63: Effective promotion of the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

29. **The Chairman** said that Armenia, Bolivia, Brazil, Ecuador, Ethiopia, El Salvador, Lithuania, Malta, Mauritius, Panama, Peru, Republic of Moldova, Romania, Rwanda, Serbia and Montenegro, South Africa, Sudan, Thailand and the former Yugoslav Republic of Macedonia had joined the sponsors.

30. **Mr. De Barros** (Secretary of the Committee) read out the revisions made to the draft resolution. The fifth preambular paragraph had been revised to read: "Emphasizing the role that national institutions can play on early warning for problems regarding national situations". In paragraph 15 the word "fully" had been inserted after the word "implement" in the second line; in the third line the words "and to recommend" had been replaced by the words ", inter alia, by recommending", and in the fourth line the words "appropriate measures" had been replaced by the phrase "further measures, as appropriate".

31. *Draft resolution A/C.3/58/L.63 was adopted.*

Draft resolution A/C.3/58/L.64: Human rights in the administration of justice

32. **The Chairman** invited the Committee to take action on draft resolution A/C.3/58/L.64, which had no programme budget implications, and said that Albania, Armenia, Bolivia, Brazil, Ecuador, Estonia, Guatemala, Kenya, Malta, Panama, Paraguay, Philippines, the Republic of Moldova, Romania, Serbia and Montenegro, Thailand and the former Yugoslav Republic of Macedonia had joined the sponsors.

33. **Ms. Vogl** (Austria) said that, in paragraph 15, as orally amended when the draft resolution had been introduced, the phrase "the decision of the Subcommission" should be replaced by the phrase "the proposal of the Subcommission".

34. *Draft resolution A/C.3/58/L.64, as orally revised, was adopted.*

35. **Ms. Gorove** (United States) thanked the sponsors for their flexibility during negotiations. The United States understood the standards referred to in paragraphs 1 and 2 of the draft resolution to be those set forth in binding legal instruments and applicable only to those Member States that were States parties to those instruments, rather than those contained in the

numerous non-binding instruments emanating from either the United Nations human rights or anti-crime programmes.

36. Regarding paragraph 15, the amendment proposed by Austria made it clear that the Subcommission on the Promotion and Protection of Human Rights did not take decisions, but rather made proposals to the Commission on Human Rights.

37. **Ms. Tomar** (India) said that, since the issue was of such importance, her delegation had joined the consensus. However, paragraph 3 called on States to ensure that any counter-terrorism measures, including in the administration of justice, complied with their obligations under international law. India considered that the text applied to a wide range of issues, including the elimination of racism, racial discrimination and discrimination against minorities. It therefore regretted that the sponsors had not included the language proposed by India to address the overall issue of the administration of justice.

Draft resolution A/C.3/58/L.65: Elimination of all forms of religious intolerance

38. **The Chairman** invited the Committee to take action on draft resolution A/C.3/58/L.65 and said that Albania, Bolivia, Brazil, Chile, Côte d'Ivoire, Ecuador, El Salvador, Georgia, Ghana, Lesotho, Mali, the Niger, Panama, the Republic of Moldova, Rwanda, Suriname, Swaziland, Trinidad and Tobago and Zimbabwe had joined the sponsors.

39. **Mr. De Barros** (Secretary of the Committee) said that, by paragraph 18 of the draft resolution, the General Assembly would request the Secretary-General to ensure that the Special Rapporteur received the necessary resources to enable him to discharge his mandate fully. Provisions for activities of a perennial nature, such as the mandate of the Special Rapporteur, had already been included in the programme budget for the current biennium and in the proposed programme budget for 2004-2005.

40. According to part B, section VI of General Assembly resolution 45/248, administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

41. *Draft resolution A/C.3/58/L.65 was adopted.*

Draft resolution A/C.3/58/L.72: Respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

42. **The Chairman** invited the Committee to take action on draft resolution A/C.3/58/L.72, which had no programme budget implications, and said that Cambodia, Saint Lucia and United Republic of Tanzania had joined the sponsors. A recorded vote had been requested.

43. **Mr. Cavallari** (Italy), speaking on behalf of the European Union in explanation of vote before the voting, said that the European Union would be voting against the draft resolution, because it could not support the selective use of the principles of the Charter of the United Nations. Moreover, it did not believe that a text on the issue in question, based solely on the Charter, could contribute to the promotion of human rights and fundamental freedoms for all. The European Union had tried unsuccessfully to achieve a resolution that dealt with issues that were relevant to the Third Committee's work and did not interfere with discussions that should be taking place elsewhere in the United Nations system: for example, the draft resolution contained questions relating to humanitarian assistance and legal aspects of the implementation of the Charter.

44. *A recorded vote was taken.*

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Jamaica, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia,

Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Bolivia, Brazil, Chile, Fiji, Georgia, Guatemala, Honduras, Nauru, Nicaragua, Paraguay, Peru, Philippines, Saint Vincent and the Grenadines, Singapore, Solomon Islands, Thailand, Tuvalu, Uruguay.

45. *Draft resolution A/C.3/58/L.72 was adopted by 105 votes to 51, with 19 abstentions.*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/58/L.67, L.68/Rev.11 and L.69)

Draft resolution A/C.3/58/L.67: Situation of human rights in Turkmenistan

46. **Mr. Cavallari** (Italy), introducing the draft resolution on behalf of the European Union, the United States and the other sponsors, which had been joined by Canada, Japan, Liechtenstein, Romania and Switzerland, said that paragraph 1 (d) should be revised to read: "To grant to independent bodies, including the International Committee of the Red Cross as well as lawyers and relatives, immediate access to detained persons."

47. Despite some recent positive developments, the human rights situation in Turkmenistan had deteriorated since April. For instance, new legislation adopted in October 2003 imposed onerous legal requirements for the registration of religious, civic and non-governmental organizations, contravening international human rights standards. Individuals belonging to unregistered organizations consequently faced harassment, intimidation and, most disturbing of all, criminal prosecution. Furthermore, the reinstatement of exit visas in February 2002 was part of an ongoing policy to deny citizens of Turkmenistan access to information and contact with foreigners. His delegation therefore urged the Government of Turkmenistan to continue the dialogue it had begun with the international community, including the Organization for Security and Cooperation in Europe, and to implement the recommendations of the Commission on Human Rights, in particular. It was also imperative that the General Assembly should address the deteriorating human rights situation in Turkmenistan.

Draft resolution A/C.3/58/L.68/Rev.1: Situation of human rights in Myanmar

48. **Ms. Borzi Cornacchia** (Italy) introduced the draft resolution on behalf of the European Union the acceding countries and the other sponsors, which had been joined by Albania, Andorra, Australia, Bulgaria, Estonia, Latvia, Malta, Republic of Korea and Romania. She regretted that the draft resolution, the outcome of constructive consultations with all the delegations concerned, including the delegation of Myanmar, had been drafted against the backdrop of a worsened human rights situation in Myanmar.

49. She drew attention to the following drafting changes: in paragraph 4 (a), the words "and its consequences for the human rights situation in Myanmar" should be deleted. In paragraph 7 (a), the word "including" should replace the words "as well as" in the fourth line and the words "in Myanmar" should be added to the end of the paragraph. Lastly, paragraphs 8 and 9 should be deleted.

50. **Mr. Kyaw Win** (Myanmar) expressed his gratitude to the representative of Italy for making amendments to the parts of the draft resolution which his delegation had found entirely unacceptable. Nevertheless, the draft resolution remained unacceptable and offensive and contained elements that had far-reaching consequences for all Member States. Finally, because his delegation had substantively discussed only paragraphs 4 (a), 7 (a), 8 and 9 with the sponsors, and not the draft resolution as a whole, consensus had not been achieved.

51. *Mr. Belinga-Eboutou (Cameroon) resumed the Chair.*

Draft resolution A/C.3/58/L.69: Situation of human rights in the Islamic Republic of Iran

52. **The Chairman** invited the Committee to take action on draft resolution A/C.3/58/L.69, which had no programme budget implications, and said that Austria, Denmark, Estonia, Finland, France, Hungary, Germany, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Norway, Romania, Saint Kitts and Nevis, Spain, Tuvalu and the United Kingdom of Great Britain and Northern Ireland had joined the sponsors. A recorded vote had been requested.

53. **Mr. Laurin** (Canada) said that the intention of the draft resolution was to underline the serious human rights problems that continued to exist in Iran and to call on the Iranian Government to address them. It reflected the hope that concerted international attention would promote and accelerate positive change and support the efforts of those working for human rights in that country. However, it also recognized that there had been some encouraging developments over the last two years and in that respect, a further subparagraph should be added to paragraph 1 of the draft resolution, to read: (g) The efforts made by Parliament, in particular the Article 90 Commission, and by the Islamic Human Rights Commission to improve the situation of human rights in Iran.

54. **Mr. Keiswetter** (United States of America) said that the United States sought to have Governments held accountable for their international human rights obligations. While respecting the traditions and values of other nations, it advanced the principles of respect for democracy and human rights. The draft resolution called on the Iranian Government to put an end to torture and restrictions on freedom of speech, assembly and religion, and to expedite judicial reform. The United States shared concerns that the regime-appointed Guardian Council of Iran frequently overrode decisions of the elected legislature and the will of the people, including by its refusal to implement the Convention on the Elimination of All Forms of Discrimination against Women. However, while the United States believed that the goal of that Convention was one that all States should strive to achieve, it did not consider that the Convention was necessarily the best way to achieve it.

55. **Mr. Andrabi** (Pakistan), speaking on behalf of the member States of the Organization of the Islamic Conference, said that the Organization had consistently opposed the practice of submitting draft resolutions that were selectively critical of some developing and Islamic countries, which transformed the work of the Committee into an extremely political exercise. The adoption of the draft resolution would not help the ongoing spirit of cooperation and the momentum created by Iran; rather, it increased the risk of generating confrontation and politicization of human rights issues at the international level.

56. Over the last two years, Iran had extended an open invitation to all the special rapporteurs to visit the country; two visits had already taken place and more were programmed. At the same time, the human rights dialogue with the European Union was continuing and, encouraged by the progress made, the European Union had decided not to table any resolution on the situation of human rights in Iran for the last two years. Any unwarranted measure was counterproductive and could lead to further escalation of distrust between the parties concerned.

57. The democratically elected Parliament and the Government had taken many human rights measures to ensure progress of human rights in the country. Many countries had to overcome obstacles on the path to realizing human rights and in judging their achievements a maximalist approach should not be pursued; otherwise, failure would become the sole criterion and that would justify establishing monitoring mechanisms for all countries, including Canada. Therefore, the member countries of the Organization of the Islamic Conference would not be supporting the draft resolution.

58. **Mr. Al-Najar** (Yemen), speaking in explanation of vote before the voting, said there was a lack of

transparency when considering human rights issues and human rights were becoming a means of exerting political pressure to achieve economic, commercial and other objectives. Serious human rights violations were occurring throughout the world, for example, in the occupied Palestinian territories. Yet that tragic situation was overlooked and stress was laid on other regions in a flagrantly selective manner. Therefore, Yemen would not take part in a vote on any draft resolution that dealt with the situation of human rights in a specific country.

59. **Mr. Xie** Bohua (China) said that Iran had acceded to many of the human rights conventions and had been cooperating with the Commission on Human Rights and its mechanisms. It had received the visit of the Special Rapporteur on freedom of expression and members of the Working Group on Missing Persons. It had also entered into a dialogue on human rights with several countries and had made great progress in promoting human rights and fundamental freedoms. Regrettably, the contents of the draft resolution did not reflect the reality in Iran. His delegation would therefore vote against the draft resolution.

60. **Ms. Ahmed** (Sudan) said her delegation endorsed the statement made by Pakistan on behalf of the Islamic countries. The Sudan had always affirmed its total rejection of attempts to politicize issues relating to human rights and to adopt a policy of selectivity and double standards.

61. It deeply regretted the introduction of the draft resolution by Canada in the absence of any official report on the situation of human rights in Iran and despite the conviction of European Union member countries, which had submitted the draft resolution in past years, that no resolution should be submitted in 2003. Moreover, the Commission on Human Rights had struck the item off its agenda for the past two years.

62. Her delegation warned against any attempt to establish a practice in the Committee of targeting certain developing countries to serve interests that had no relation to the lofty ideals of human rights, and it would therefore vote against the draft resolution.

63. **Ms. Hastei** (Islamic Republic of Iran) said that her delegation had first heard of the draft resolution only two weeks previously and had seen the text for the first time on 17 November 2003, hence no time had been available for informal consultations and for her delegation to present its version of events to the Committee.

64. There were grounds for believing that the concern of the main sponsor, Canada, was not solely the situation of human rights in Iran, but rather a contentious issue in the bilateral relations of the two countries, the death of Zahra Kazemi, a journalist of Iranian nationality who had also held a Canadian passport, in police custody in Tehran. The case had received wide and ongoing coverage in the Iranian media and her Government had taken every possible measure to bring the culprits to justice. The President had ordered the establishment of a committee of inquiry and Parliament had begun an independent investigation into the case. The relevant reports had been issued and were available to the public. Charges had been filed against several prison officials, who were being tried in open court in Tehran. The Iranian Government had gone to great lengths to cooperate with Canada on the issue and the Canadian Ambassador had been present in the court during the case hearing.

65. It was unfortunate that the Canadian Government had refused to extend any cooperation to the Iranian Government on a parallel case. Canadian officials had not yet provided basic information on the killing by Canadian police of an Iranian national in Vancouver in suspicious circumstances.

66. In introducing the draft resolution, the representative of Canada had implied that there was a lack of freedom of the press in Iran, based on the Kazemi case; however, one isolated case should not serve as a basis for forming a judgement on such an important issue. Contrary to the implication of the Canadian statement, recent student demonstrations in some Iranian cities had been clear signs of political openness and the existence of freedom of expression. The President himself had acknowledged the students' right to demonstrate and protest and the police had tried to protect demonstrators against assaults by vigilante groups. The arrests referred to by the representative of Canada had been aimed at inhibiting attempts to spread violence and damage public property by some demonstrators who had broken away from the orderly rally; almost all the detainees had been released from custody.

67. It was also a gross distortion of the facts to cast doubt on the existence of freedom of worship and other

freedoms for religious minorities in Iran. Minorities enjoyed the right to worship freely in their place of choice and the Constitution ensured them representation in Parliament.

68. Iran had spared no efforts to expand its cooperation and interaction with other countries in the area of human rights in recent years, particularly after the latest draft resolution against Iran had not been adopted at the fifty-seventh session of the Commission on Human Rights, and it had established mechanisms for promoting dialogue with a number of countries including the European Union, Japan, Switzerland and Australia. Ongoing discussions on technical cooperation took place with the Office of the United Nations High Commissioner for Human Rights and, as a result of an open invitation, the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression had visited Iran. Both had stressed that they had encountered no restrictions in the course of carrying out their mandate.

69. Iran rejected the assertion of the representative of Canada to the effect that the aim of the draft resolution was to complement efforts already undertaken. The initiative ran counter to the goal of promoting cooperation in the area of human rights and undermined efforts already undertaken by the Government to bolster human rights achievements in Iran. Her delegation appealed to members of the Committee to support the ongoing process of human rights promotion in Iran by voting against the draft resolution.

70. *A recorded vote was taken.*

In favour:

Albania, Andorra, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Brunei Darussalam, China, Colombia, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Gabon, India, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Somalia, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Ukraine, Venezuela, Viet Nam, Zimbabwe.

Abstaining:

Antigua and Barbuda, Argentina, Bhutan, Bosnia and Herzegovina, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Cyprus, Djibouti, Eritrea, Ethiopia, Georgia, Ghana, Grenada, Guatemala, Guinea, Jamaica, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Nepal, Nigeria, Republic of Korea, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Singapore, South Africa, Sri Lanka, Switzerland, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Zambia.

71. *Draft resolution A/C.3/58/L.69 was adopted by 73 votes to 49, with 50 abstentions.*

72. **Mr. Meyer** (Brazil) said that Brazil had voted for the draft resolution because the Government was concerned about the situation of the Baha'i community in Iran. Nonetheless, it acknowledged the positive developments in the field of the promotion and protection of human rights since President Khatami had taken office. An open invitation had been extended to all the special procedures of the Commission on Human Rights and cooperation with the Office of the

High Commissioner for Human Rights and regional organizations had been strengthened. Brazil welcomed those developments and encouraged further pertinent measures, which the Government would take into consideration during future consideration of the issue in any forum.

73. **Mr. García Moritán** (Argentina) said that Argentina had abstained from voting because it considered that the recent efforts of the Iranian Government to improve the human rights situation should be taken into account, particularly the open invitation to representatives of the special procedures of the Commission on Human Rights. The aim of the Commission was to cooperate with Governments to ensure that national human rights situations approached international standards and the Iranian Government's willingness to collaborate should be acknowledged. Argentina was awaiting the results of the recent visits by two representatives of special procedures to form an objective opinion on the situation in Iran. Lastly, on the basis of the information available, Argentina considered that the situation in Iran was still of concern and urged the Government to make further efforts to improve the human rights situation.

74. **Mr. Amorós Núñez** (Cuba) said that Cuba had voted against the draft resolution, which made no attempt to further human rights and was selective, politically motivated and lacking in objectivity. Furthermore, it had been submitted on the assumption that Canada had the authority to monitor the conduct of developing countries. Such a resolution undermined the efforts being made by the Iranian Government to promote human rights efforts.

75. **Mr. Dhakal** (Nepal) said that Nepal was committed to promoting and protecting human rights throughout the world. It believed that human rights, democracy and development were interrelated and that the situation of human rights in any country depended on its socio-economic conditions. The international community should help those countries that were striving to improve the situation of human rights by strengthening their national capacity, rather than censoring and sanctioning them. The Committee should therefore desist from tabling country-specific resolutions. In extreme cases, when a specific country was flagrantly violating human rights, draft resolutions should be adopted by consensus. Iran had been making an effort to improve the human rights situation and cooperating with the Commission on Human Rights. In that context, Nepal had abstained from voting on the draft resolution.

Other matters

76. **The Chairman** invited Mr. Thatchaichawalit, representing the Programme Planning and Budget Division, to clarify the process for determining the programme budget implications of draft resolutions.

77. **Mr. Thatchaichawalit** (Programme Planning and Budget Division) said that his Division studied each draft resolution due to be considered by the Main Committees of the General Assembly to see whether it had any budget implications. If so, a process of consultations was initiated; if not, the draft resolution was immediately returned to the secretariat of the relevant Committee. When a draft resolution affected several departments consultations could take some time, although the Division took account of the urgency with which each resolution needed to be treated and did its utmost to make timely, accurate and complete information on the financial implications available to the relevant Committee.

78. **Mr. Hof** (Netherlands) asked why, when his delegation had followed all the guidelines for submitting the two draft resolutions of which it was the main sponsor (A/C.3/58/L.22/Rev.1 and A/C.3/58/L.66), those resolutions were not yet before the Committee for consideration.

79. **The Chairman** said that that was because the information on their financial implications had not yet been received.

80. **Mr. Roshdy** (Egypt) said that he could not understand what was holding up the processing of draft resolution A/C.3/58/L.48, entitled "Preparations for the observance of the tenth anniversary of the International Year of the Family in 2004". The draft had been revised in line with the statement (contained in A/C.3/58/L.26) on the programme budget implications of A/C.3/58/L.2 as amended by A/C.3/58/L.12, and no longer called for a dedicated family unit to be set up, but only for the strengthening of the programme of work of the Department of Economic and Social Affairs and the development and strengthening of a family-focused perspective into the relevant United Nations programmes.

81. **Mr. Thatchaichawalit** (Programme Planning and Budget Division) said that it had been necessary to consult the substantive departments in respect of draft resolution A/C.3/58/L.48, but the consultations had now been completed and the budget implications made available to the Committee.

The meeting rose at 1.40 p.m.